

Pacific States Marine Fisheries Commission Annual Meeting August 21, 2017

Crab Gear Marine Mammal Interaction Derelict Crab Gear Regulations

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Dungeness Crab: State Regulated Species

- Not Federally Managed: No FMP
- Dungeness crab gear is defined in Federal Regulation as “legal Open Access groundfish gear.”
- Derelict crab gear was discussed by PFMC in 2014/15 as part of a groundfish regulation prioritization agenda item.
- Driving Issue was harvesting by ghost gear and gear conflict, both fixed gear and trawl.
- Marine mammal entanglement was not the primary discussion driver at the time.
- PFMC chose not to take any action:
 - Analysis determined that a minimal number of pots would be retrieved by groundfish long line and pot vessels operating in an opportunistic manner.
 - Enforcement concerns: would be in conflict with RCA continuous transit requirements.
 - Determined that state programs/regulations were adequate.



WASHINGTON

- **Commercial crab fishery—Coastal gear recovery permits.**
 - No in season recovery allowed
 - Post season program only
- **Emergency coastal crab gear recovery permit.**
 - Issued for bona fide emergencies only, i.e. vessel lost or out of commission for an extended. Granted on a case-by-case basis
 - Allow crab fishers to recover shellfish pots that were irretrievable at the end of the lawful season opening due to extreme weather conditions.
 - Granted once a commercial crab season is closed.
 - Crab fishers must notify and apply to the department's enforcement program for such emergency permits within 24 hours prior to the close of the commercial crab season.
- **Coastal crab gear recovery permit.**
 - 15 days after the close of the primary coastal commercial crab season,
 - The director or director's designee may grant a coastal crab gear recovery permit
 - To licensed coastal Dungeness crab fishers to recover crab pots that remain in the ocean and belong to state licensed fishers.



PROVISIONS

- It is unlawful to fail to follow the provisions of a coastal crab gear recovery permit.
- Permit expires on October 31.
- Must record the location of the gear when collected.
 - Buoy number and pot tag info,
 - Whether or not bio cotton was there.
 - How many crab were still in the pot.
 - Retrieving Fisher can keep the pots or return to owner(s).
 - Fisher's choice.
- WDFW Police tag the pots when they come into port so there is no ambiguity regarding recovered pot's legal status.



OREGON

- **Derelict Dungeness Crab Gear (In Season)**
- Derelict Dungeness crab gear may be retrieved from the ocean, including the Columbia River, and transported to shore provided that:
 - Retrieving vessel holds a valid boat license, and captain and crew hold valid commercial fishing license(s).
 - Number of derelict Dungeness crab gear which may be retrieved per trip are as follows:
 - From the opening of the ocean Dungeness crab fishery in the area where retrieval takes place until the second Monday in June of the same ocean Dungeness crab season: **25 derelict pots and rings in aggregate;**
 - From the second Monday in June through August 28: **50 derelict pots and rings in aggregate;**
 - August 29 through October 31: an **unlimited number of derelict pots and rings** may be retrieved.
 - Upon retrieval the gear must be un-baited.



Additional Provisions

- Crab retention allowed:
 - For commercial purposes
 - Vessels holds a valid Dungeness crab permit
 - Legal size and sex
 - Open times and areas that Dungeness crab may otherwise be taken
- Immediately upon retrieval of Dungeness crab gear,
 - Retrieving vessel operator must document in the retrieving vessel's logbook
 - Date and time of pot or ring retrieval
 - Number of retrieved crab pots or rings in aggregate
 - Location of retrieval
 - And retrieved Dungeness crab gear owner identification information.
- Any retrieved Dungeness crab gear must be transported to shore during the same fishing trip that retrieval took place.
- Retrieving vessel cannot keep gear



Post-season Derelict Gear Recovery Permits

- Fifteen days after the close of ocean commercial crab season, ODFW may grant Post-Season Derelict Gear Recovery Permits to licenses commercial crab vessels.
- Unlawful to fail to follow the provisions of a Post-Season Derelict Gear Recovery Permit.
 - document retrieval of the gear in accordance with permit conditions.
 - i.e. rules, exemptions, registration / notification requirements, retrieval period, etc.
- Emergency Exemptions:
 - Gear unable to be removed from the ocean prior to fifteen days after the end of the season as a result of undue hardship as defined in OAR 635-005-0240.
 - Requests for exemptions must be submitted to the Marine Resources Program, Newport by August 29 of each year.
 - Primarily used by vessel who are unable to retrieve gear prior to season ending and do not want their gear retrieved by another vessel under post season permit.



Additional Provisions

- Dungeness crab gear retrieved under the a Post-Season Derelict Gear Recovery Permit
 - Permit holder must notify ODFW prior to offloading any recovered gear
 - Gear must be checked and registered by ODFW
 - Upon registration a numbered tag is attached to the gear
 - Fisher is allowed to keep the gear but,
 - Gear must be posted on website to allow anyone to negotiation for ownership of the pot.
 - Retrieving permit holder may retain pot, permit holder's discretion



CALIFORNIA

- In-season
- Must hold a valid California Dungeness Crab Permit
 - May retrieve up to six pots per trip
 - May retrieve more than six pots by waiver
- Waiver granted by the Department
- Allows retrieve and transport from the ocean to shore
 - Commercial Dungeness crab trap(s) of another permitted Dungeness crab vessel.
 - That were lost, damaged, abandoned, or otherwise derelict.



Provisions

- No more than six (6) derelict Dungeness crab traps may be retrieved per fishing trip, except:
 - Under a Department issued waiver, retrieval of **more than six (6)** Dungeness crab traps to shore by another Dungeness crab permitted vessel is allowed if:
 - The vessel is incapacitated due to a major mechanical failure or destroyed due to fire, capsizing, or sinking, or;
 - Circumstances beyond the control of the permit holder created undue hardship.
 - A request for the waiver shall be submitted in writing to the department's License and Revenue Branch.
 - A copy of the waiver approved by the department shall be on board the vessel making the retrieval.
 - The waiver may include conditions such as time period to conduct retrieval, landing prohibitions or any other criteria the department deems necessary.
 - **Closed season, no waiver required:** from July 16 through October 31, an unlimited number of Dungeness crab traps may be retrieved by Dungeness crab permitted vessel.



Provisions

- Crab from the retrieved Dungeness crab trap(s) shall not be retained and shall be returned to the ocean waters immediately.
- Retrieving vessel operator shall document in the vessel's log
 - date and time of trap retrieval
 - number of retrieved Dungeness crab traps
 - location of retrieval, and retrieved trap tag information.
- Retrieved Dungeness crab trap(s) shall be transported to shore during the same fishing trip that retrieval took place.
- An expanded Post-season Program is currently under evaluation but not yet in effect.



TAKE AWAYS

- In-season provisions for retrieval of derelict crab gear:
 - Washington
 - No
 - Oregon
 - Yes, by rule
 - California
 - Yes, up to six pots per trip
 - More than 6 pots allowed by waiver granted by CDF&W under specific conditions
- Post-season provisions for retrieval of derelict crab gear:
 - Washington – Yes
 - By emergency permit immediately after season closes
 - By permit 15 days after season closes
 - Oregon – Yes
 - By Emergency Exemption Permit
 - By Derelict Gear Recovery Permit 15 days after season closes
 - California – Yes
 - No waiver required, Dungeness crab licensed vessels only



GEAR DISPOSITION

- Washington
 - Retrieving vessel can keep gear or return to owner
 - Deposition of retrieved gear is documented by WDFW Police
- Oregon
 - In season:
 - Retrieving vessel **cannot keep gear**
 - No formal process for returning gear to original owner
 - No disposition tracking
 - Post season:
 - Retrieving vessel **can keep gear or sell to others**
 - Disposition of retrieved gear is documented by ODFW
 - Retrieved gear is posted on website to facilitate selling of gear
- California
 - CDF&W Law is silent
 - Other California regulations may apply
 - Retrieving vessel encouraged to return gear to legal owner
 - No disposition tracking by CDF&W



RETENTION OF CRAB

- Washington
 - No, season closed
- Oregon
 - In season, yes
 - Must adhere to all legal requirements
 - Closed (post) season, no
- California
 - No
 - Return to water immediately

